

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

REBEKAH AZEN,

Plaintiff,

vs.

No. CIV-03-0751 JC/ACT

DALE LETTENBERGER, et al.,

Defendants.

**MEMORANDUM OPINION AND ORDER**

THIS MATTER comes before the Court on *Defendant's Motion to Dismiss Plaintiff's State Law Claims Against Defendant City of Santa Fe and Memorandum in Support Thereof*, filed June 30, 2004 (*Doc. 58*). For the reasons discussed briefly below, this Motion and all related filings are stricken from the record and Defendant City of Santa Fe ("Defendant") may instead submit to the Court a single, comprehensive, conforming and factually reliable motion for the Court's consideration, to which Plaintiff may file a single, comprehensive response. Such briefing will conform to all applicable Federal and Local Rules and will take place in an expedited fashion as directed below.

Defendant filed this Motion on June 30, 2004 (*Doc. 58*). Subsequently, Defendant submitted its *Amended Motion to Dismiss Plaintiff's State Law Claims Against Defendant City of Santa Fe and Memorandum in Support Thereof*, filed July 2, 2004 (*Doc. 59*) (filed "for the sole purpose of attaching Exhibit D which was inadvertently left out of the original Motion."). Plaintiff responded with *Plaintiff's Response to Defendant's Motion to Dismiss Claim Against the City of Santa Fe*, filed July 26, 2004 (*Doc. 62*), *Plaintiff's Amended Response to Defendant's Motion to Dismiss Claim*

*Against the City of Santa Fe*, filed July 27, 2004 (*Doc. 63*), and *Addendum to Plaintiff's Response to Defendants' [sic] Motion to Dismiss*, filed July 27, 2004 (*Doc. 64*). Defendant next filed its *Second Amended Motion to Dismiss Plaintiff's State Law Claims Against Defendant City of Santa Fe and Memorandum in Support Thereof* on August 16, 2004 (*Doc. 72*) (filed "for the sole purpose of correcting the relevant dates set forth in its original motion and amended motion."). On August 16, 2004, Defendant also filed its *Reply in Support of Motion to Dismiss Plaintiff's State Law Claims Against Defendant City of Santa Fe* (*Doc. 70*). Two days later, Defendant filed its *First Supplement to Reply in Support of Motion to Dismiss Plaintiff's State Law Claims Against Defendant City of Santa Fe*, filed August 18, 2004 (*Doc. 73*) (filed because "counsel for the defense inadvertently misstated certain facts" in its Reply Brief.).

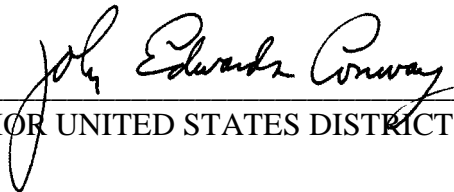
Leave of Court was sought for none of the supplemental, extraneous filings here, signifying a blatant disregard--particularly on the part of defense counsel--for both the Federal Rules of Civil Procedure and the Local Rules governing motions practice in this Court. Moreover, the Court cannot and ought not decipher Defendant's voluminous, non-conforming filings. Inasmuch as the Court is daunted by the prospect of interpreting the product of defense counsel's sloppiness and disregard for the rules, it follows that Plaintiff cannot be expected to have adequately responded to Defendant's moving target either. This is true notwithstanding Plaintiff's filing of a non-conforming response trilogy herself.

Consequently, the Court will exercise its well-established, inherent authority to regulate its docket and achieve the orderly and expeditious disposition of this case. *Martinez v. Internal Revenue Service*, 744 F. 2d 71, 73 (10th Cir. 1984) *Link v. Wabash R. Co.*, 370 U. S. 626, 630-631 (1962). In that vein, the Court hereby strikes from the record Defendant's Motion (*Doc. 58*) and all

related filings (*Doc. 59, Doc. 62, Doc. 63, Doc. 64, Doc. 70, Doc. 72, and Doc. 73*). Defendant is permitted to submit to the Court, by November 15, 2004, a single, comprehensive, factually reliable, conforming motion incorporating all supporting documentation. Plaintiff is permitted to submit her response thereto by November 25, 2004, and such response shall be in the form of a single, conforming document incorporating all supporting documentation.

**IT IS SO ORDERED.**

Dated this 9th day of November, 2004.

  
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SENIOR UNITED STATES DISTRICT JUDGE

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